REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are requested. By this amendment, claims 1, 11, 14, 16, 18 and 22 have been amended and claims 15 and 17 have been cancelled. Thus, claims 1-7, 10-14, 16 and 18-24 are pending in the application. Claim 1 is the sole independent claim. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the rejections, which are discussed below.

Claim Rejections

Claim 14 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite based on the phrase "slider like." Claim 14 has been amended to remove the allegedly indefinite language and make the claim clearer.

Claims 1-7, 10-13 and 17-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,029,446 to Suzuki. Claim 17 has been cancelled rendering the claim rejection moot. Applicants respectfully traverse each of the rejections and submit that the Suzuki patent does not disclose each and every feature of any of claims 1-7, 10-13 and 18-23. Suzuki discloses a compact refrigerator for cooling containers filled with soft drinks utilizing a thermoelectric cooling element. (Suzuki, Col. 1, Lines 66-67; Col. 2, Lines 1-3). The present claims are directed to a device for molding foodstuffs which includes features allow for the thermal treatment of the foodstuff being molded.

The present claims and Suzuki are directed to fundamentally different purposes. Specifically, independent claim 1 is directed to a device for molding foodstuff masses while Suzuki is directed to an electronic compact refrigerator that includes wells sized to receive soft drink containers. There is no mention or suggestion of molding foodstuff masses or anything equivalent in Suzuki. Further, there is no indication that any aspect of the invention of Suzuki would be suitable or otherwise adaptable for use as a device for molding foodstuff masses.

Suzuki does not disclose all of the elements required by independent claim 1. First, Suzuki fails to disclose "a mould (14) provided with a plurality of sockets (16) which define respective pouring cavities" as required by claim 1. The Office Action cites to Figs. 11-12 of Suzuki as disclosing these features. While no specific reference numbers are cited, presumably, the Office Action is alleging that the structures indicated by reference numbers 18a-18e

somehow disclose the sockets which define respective pouring cavities as required by the claims. Suzuki describes these wells with respect to Fig. 11 as "five (5) cylindrical wells 18a through 18e of different depths arranged side by side in a line so that different-sized containers 17a through 17e may be stored and colled [sic] in the respective wells." (Suzuki, Col. 6, Lines 33-38). Fig. 12 shows an adapter, indicated by reference number 35, which can be inserted into the wells to allow different sized containers to be cooled. (Suzuki, Col. 6, Lines 47-52). Suzuki makes no mention that these wells could be utilized as a mould or pouring cavity for molding foodstuff masses as required by the present claims and there is no indication that the cylindrical wells intended to hold soft drink bottles would be capable or safe for use as a mold.

Second, claim 1 also requires "at least one thermal-conditioning unit (24), associated to said insert made of thermally conductive material (2)." In other words, claim 1 requires an association between the insert made of thermally conductive material and the thermal-conditioning unit. In the preferred embodiment described in the specification of the present application, an example of the thermal-conditioning unit is a Peltier cell which is associated with the insert made of thermally conductive material. (Present Application, Page 11, Lines 24-29). Fig. 3 of the present application shows the thermal-conditioning unit (24) in contact with the insert (22). The specification describes this configuration as advantageous because it allows the product being molded to be cooled by only cooling the insert and not the entire mold. (Present Application, Page 10, Lines 6-11). Suzuki shows a thermally conductive insert (reference number 35) that permits a soft drink container of smaller size to be placed in a well sized for a larger container. (Suzuki, Fig. 12). The structures of Suzuki which are presumably being cited as disclosing the thermal-conditioning unit (heat exchanging mechanism 12, outer radiators 19 and 20, Peltier element 21, fan 22) are shown as being in contact with container support member 18. (Suzuki, Fig. 12). Suzuki fails to disclose an association between the structures which make up the thermal-conditioning unit and the thermally conductive insert as required by claim 1. In order to cool a soft drink contained within the thermally conductive insert of Suzuki, the cooling mechanism would need to cool the entire container support member which would subsequently cause the thermally conductive insert to be cooled. Therefore, Suzuki does not disclose "at least one thermal-conditioning unit (24), associated to said insert made of thermally conductive material (2)."

Claim 1, as amended, also includes the feature of "a control unit (34) for generating control signals of said thermal-conditioning unit (24) according to a cycle (100 to 126) selectively predetermined for the thermal treatment of the material undergoing moulding in the course of the advance along said path" that was previously recited in dependent claim 17. Claim 17 was also rejected as anticipated by Suzuki, however no citation to a particular portion of Suzuki or specific discussion of this feature is made in the Office Action. As discussed above, Suzuki is not directed to a device for molding foodstuff masses and would therefore not include or require a "a control unit (34) for generating control signals of said thermal-conditioning unit (24) according to a cycle (100 to 126) selectively predetermined for the thermal treatment of the material undergoing moulding" because Suzuki does not disclose material being molded as required by the present claims. The "thermal treatment of the material undergoing moulding" does not simply mean cooling the material to a predetermined temperature, but rather embodies a variety of different temperature control schemes that can affect the properties of the resultant food product. (*See* e.g., Present Application, Page 14, Lines 29-35; Page 15, Lines 1-3). While Suzuki does disclose a "temperature control circuit", this circuit is used simply "to maintain the temperature within said container storing chamber 15 at [a] preset value." (Suzuki, Col. 5, Lines 31-37). There is no discussion of "generating control signals ... according to a cycle" or of the "thermal treatment of the material undergoing moulding" as required by amended claim 1.

For the reasons discussed above. Suzuki fails to disclose all of the limitations of independent claim 1. Therefore Applicant submits that claim 1 is allowable and requests that the outstanding rejections be withdrawn. Claim 17 has been cancelled. Claims 2-7, 10-13 and 18-23 depend from independent claims 1 and are therefore allowable as depending from an allowable base claim.

Claims 14-16 and 24 were rejected as obvious over Suzuki in view of U.S. Patent No. 5,101,714 to Grandi. Claims 14 and 16, like claim 1, are directed to a "device for moulding foodstuff masses" and require "a mould (14) provided with a plurality of sockets (16) which define respective pouring cavities" and "at least one thermal-conditioning unit (24), associated to said insert made of thermally conductive material (2)." As discussed above with respect to claim 1, Suzuki fails not disclose all of these required claim elements. Grandi also fails to disclose or suggest these features of claims 14 and 16. Accordingly, Suzuki in view of Grandi

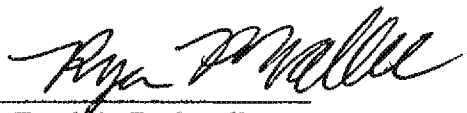
fails to disclose or suggest all of the features of claims 14 and 16 which are therefore allowable. Claim 15 has been cancelled rendering the rejection moot. Claim 24 depends from claim 1 and should be allowable as depending from an allowable base claim.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

By: 

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